IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

District :

Criminal Application No. 1548 & 1659 of 2007

Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders

Court's or Judge's orders

CORAM: C. L. PANGARKAR J.
Dated: 22nd June, 2007.

These two applications can be heard and decided together since they arise out of same crime.

Criminal application No. 1548/07 is filed by one Mangala. It is alleged that present applicant Mangala had illicit relations with one Rajendra Wahane. Since she has had such illicit

relations it is alleged that Vidya wife of Rajendra committed suicide. Vidya's father therefore lodged a report. Police have arrested the applicant Mangala. Her application before the Sessions Judge is rejected. Hence she seeks bail in this Court.

Leanred counsel for the applicant submitted that Mangala does not have any illicit relations with Rajendra. She is only working as a servant. He submitted that Vidya wife of Rajendra was suffering from schizophrenia and she had attempted to commit suicide thrice and at the relevant time she was actually under the treatment of Psychiatrist. Prescription to that effect was filed on record. Considering this aspect and

considering the fact that offences are not punishable with death or imprisonment for life, applicant is, therefore, entitled to be released on bail. Hence the order:

In the event of arrest in Crime No. 46/07 police station Parseoni accused/applicant be released on bail on her entering into personal bond in the sum of Rs.10,000/- with one surety in the like amount.

C. A. No. 1659/07:

So far as application of Rajendra Wahane No.1659/07 is concerned, he seeks anticipatory bail. He is the husband of the deceased. Leatrned counsel for the applicant submitted that applicant is a teacher.

There was no illtreatment to the deceased and in fact Vidya has serious ailment of schizophrenia. He submitted that she has thrice attempted to commit suicide. She was once admitted in the hospital for consumption of over dose of sleeping peels and she had also once tried to commit suicide by bringing herself in contact with electric current. These allegations have not been controverted by the prosecution. There is enough evidence on record that the deceased was under the treatment of Psychiatrist for schizophrenia. Schizophrenia is such a disease in which a person suffers from halluicination and it is on account of this that she may be under impression that the present applicant had illicit relations with

Mangala. In the circumstances I find that this is a fit case where anticipatory bail should be granted to the applicant, however, applicant should make himself available for interrogation to the police as and when required. Hence the order:

In the event of arrest in crime No.46/07 of police station Parseoni the applicant/accused be released on bail on his entering into personal bond in the sum of Rs.10,000/- with one surety in the like amount.

JUDGE

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